

## **REMARKS**

This responds to the Office Action mailed on October 19, 2006.

Claims 12, 23, 25, 36, and 37 are amended. Claims 1-11, 17-22, 26-28, 30-31, 35, and 38-40 are canceled. No claims are added. As a result, claims 12-16, 23-25, 29, 32-34, and 36-37 are now pending in this application.

For the convenience of the Examiner, Applicants' remarks concerning the claims will be presented in the same order in which the Examiner presented them in the Office Action.

### **Amendments to Claims 12, 23, 25, 36 and 37**

Claims 12, 23, 25, 36, and 37 have been amended. No new matter has been introduced.

Independent claim 12 has been amended by adding "the rate matcher pattern generator comprising both a state machine and a lookup table; a transmitter, coupled to the rate matcher pattern generator, to provide first repeated data when the rate matcher pattern generator is repeating first data; a receiver, coupled to the rate matcher pattern generator, to provide second data when the rate matcher pattern generator is deleting second repeated data, wherein the receiver provides the second data according to a first programmed standard included in the rate matcher pattern generator and selected from a plurality of reprogrammable standards; wherein the receiver is to receive a second programmed standard from the plurality of reprogrammable standards to reprogram the rate matcher pattern generator to operate in accordance with the second programmed standard; wherein the first programmed standard is a rule-based standard, and wherein the rate matcher pattern generator is to use the state machine in operating under the first programmed standard; and wherein the second programmed standard is a table-based standard, and wherein the rate matcher pattern generator is to use the look up table in operating under the second programmed standard." Support for this language may be found, for example, in claims 30-31, and 35 of the original disclosure, at page 6, line 28 - page 7, line 3, and at page 7, lines 13-20.

Independent claim 23 has been amended by adding "to repeat first data or to delete second repeated data; a transmitter, coupled to the reconfigurable logic, to repeat first data when

the reconfigurable logic is repeating first data”; by deleting “to delete second repeated data”; by adding “when the reconfigurable logic is deleting second repeated data, wherein the receiver is to provide the second data”; by adding “first”; and by adding “wherein the receiver is to receive a second programmed standard from the plurality of reprogrammable standards, to reprogram the reconfigurable logic to operate in accordance with the second programmed standard”. Support for this language may be found, for example, at page 6, line 28 - page 7, line 4.

Claim 25 has been amended by adding “wherein the rate matcher pattern generator comprises random access memory and a programmable logic module; wherein the first programmed standard is rule-based; wherein the second programmed standard is table-based; wherein the rate matcher pattern generator includes a state machine to implement the first programmed standard in the programmable logic module; and wherein the rate matcher pattern generator includes a look up table to implement the second programmed standard in the random access memory.” Support for this language may be found, for example, at page 7, lines 13-20.

Claim 36 has been amended by changing its dependency from claim 35 to claim 12.

Claim 37 has been amended by changing “system” to “apparatus”.

### **Rejections Under 35 U.S.C. §112, Second Paragraph**

Claims 23-25 and 35-37 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

In the Office Action mailed October 19, 2006, the Examiner rejected claims 23-25 under 35 U.S.C. § 112, second paragraph, with the following argument:

With regards to claim 23, the term “a transmitter coupled to the rate match pattern generator to puncture first data ...” in line 2, renders the claim indefinite since it's not clear what element is puncturing the first data, is it the transmitter or the rate matcher pattern generator?. Also, the term “a receiver coupled to the rate matcher pattern generator to delete second repeated data ...” in line 4 also renders the claim indefinite for similar reasons. It is not clear if it's the receiver or the rate matcher pattern generator element that deletes second repeated data.

With regards to claims 24-25, due to their dependency from claim 23, they suffer from the same deficiencies and thus they are rejected under the same rationale.

Applicants respectfully tender that claim 23, as amended, is believed to overcome the Examiner's objections. Therefore, Applicants respectfully request that the rejection of claims 23-25 under 35 U.S.C. §112, second paragraph, be withdrawn.

The Examiner rejected claims 35-37 with the following argument:

With regards to claim 35, the term "a transmitter coupled to the rate match pattern generator to repeat first data ..." in line 2, renders the claim indefinite since it's not clear what element is repeating the first data, is it the transmitter or the rate matcher pattern generator? Also, the term "a receiver coupled to the rate matcher pattern generator to delete second repeated data ..." in line 4 also renders the claim indefinite for similar reasons. It is not clear if it's the receiver or the rate matcher pattern generator element that deletes second repeated data.

With regards to claims 35-37, due to their dependency from claim 35, they suffer from the same deficiencies and thus they are rejected under the same rationale.

With further regards to claim 37 recites the limitation "the system" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 35 has been canceled.

Applicants respectfully assert that claims 36 and 37, which, as amended, depend directly or indirectly from claim 12, are sufficiently definite under §112.

Claim 37 was objected to, because the Examiner asserted there was insufficient antecedent basis for "the system" recited in line 1 of the claim. Claim 37 has been amended to recite an apparatus rather than a system.

For the above reasons, Applicants respectfully request that the rejection of claims 23-25 and 35-37 under 35 U.S.C. §112, second paragraph, be withdrawn.

**Rejection of Claims 12-16 and 29-35 under 35 U.S.C. §103(a)  
as Unpatentable over Parks in View of Michel**

Claims 12-16 and 29-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Parks et al. (U.S. 6,397,367) in view of Michel et al. (U.S. 7,082,565).

Claims 30-31 and 35 have been canceled.

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, the prior art reference (or references when combined) must teach or suggest every limitation of the claim. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA, 1974). MPEP §2143.

Neither Parks nor Michel discloses all of the elements recited in independent claim 12, as amended. For example, neither Parks nor Michel disclose apparatus “wherein the receiver is to receive a second programmed standard from the plurality of reprogrammable standards to reprogram the rate matcher pattern generator to operate in accordance with the second programmed standard; wherein the first programmed standard is a rule-based standard, and wherein the rate matcher pattern generator is to use the state machine in operating under the first programmed standard; and wherein the second programmed standard is a table-based standard, and wherein the rate matcher pattern generator is to use the look up table in operating under the second programmed standard”.

For the above reasons, independent claim 12 should be found to be allowable over any combination of Parks and Michel, and Applicants respectfully request that the rejection of claim 12 under 35 U.S.C. §103(a) as unpatentable over Parks in view of Michel be withdrawn.

If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. MPEP §2143.03.

Claims 13-16, 29, 32-34, and 36-37, which depend directly or indirectly from independent claim 12, and incorporate all of the limitations therein, are also asserted to be allowable for the reasons presented above.

**Rejection of Claim 31 under 35 U.S.C. §103(a)  
as Unpatentable over Parks in view of Michel and Further in View of Freiberg**

Claim 31 was rejected under 35 U.S.C. §103(a) as being unpatentable over Parks et al. in view of Michel et al. and further in view of Freiberg et al. (U.S. 6,788,657).

Claim 31 has canceled.

**Rejection of Claims 23-25, 36, and 37 under 35 U.S.C. §103(a)  
as Unpatentable over Parks in view of Michel and Further in View of Chiang**

Claims 23-25, 36, and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Parks et al. in view of Michel et al. and further in view of Chiang et al. (U.S. 6,369,771).

Neither Parks nor Michel discloses all of the structural elements recited in independent claims 12 and 23, as amended.

For example, regarding claim 12, neither Parks nor Michel discloses “wherein the receiver is to receive a second programmed standard from the plurality of reprogrammable standards to reprogram the rate matcher pattern generator to operate in accordance with the second programmed standard.

Regarding claim 23, as amended, neither Parks nor Michel disclose “wherein the receiver is to receive a second programmed standard from the plurality of reprogrammable standards, to reprogram the reconfigurable logic to operate in accordance with the second programmed standard”.

For the above reasons, independent claims 12 and 23 should be found to be allowable over any combination of Parks, Michel, and Chiang, and Applicants respectfully request that the rejection of claims 12 and 23 under 35 U.S.C. §103(a) as unpatentable over Parks in view of Michel and further in view of Chiang be withdrawn.

Claims 36 and 37, which depend directly or indirectly from independent claim 12, and incorporate all of the limitations therein, are also asserted to be allowable for the reasons presented above.

Claims 24-25, which depend from claim 23, and incorporate all of the limitations therein, are also asserted to be allowable for the reasons presented above.

**Additional Elements and Limitations**

Applicants consider additional elements and limitations of the claims to further distinguish over the cited references, and Applicants reserve the right to present arguments to this effect at a later date.

**Conclusion**

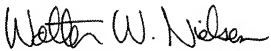
Applicants respectfully submit that claims 12-16, 23-25, 29, 32-34, and 36-37 are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney, Ann M. McCrackin (located in Minneapolis, Minnesota) at (612) 349-9592 or Applicants' below-signed attorney (located in Phoenix, Arizona) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

INCHING CHEN ET AL.

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